

108TH CONGRESS
1ST SESSION

S. 266

To provide for the access and handling by personnel of State and local governments of classified information to facilitate preparation and response to terrorist attacks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2003

Mr. EDWARDS (for himself and Mr. SCHUMER) introduced the following bill;
which was read twice and referred to the Select Committee on Intelligence

A BILL

To provide for the access and handling by personnel of State and local governments of classified information to facilitate preparation and response to terrorist attacks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antiterrorism Intel-
5 ligence Distribution Act of 2003”.

1 **SEC. 2. ACCESS AND HANDLING OF CLASSIFIED INFORMA-**
 2 **TION BY STATE AND LOCAL GOVERNMENT**
 3 **PERSONNEL FOR PREPARATION AND RE-**
 4 **SPONSE TO TERRORIST ATTACK.**

5 (a) PURPOSE.—The purpose of this section, and the
 6 amendments made by this section, is to ensure that suffi-
 7 cient numbers of appropriate personnel of State and local
 8 governments, including personnel of law enforcement, res-
 9 cue, fire, health, and other first responder agencies, re-
 10 ceive security clearances for access to classified informa-
 11 tion of the Federal Government, and training in the han-
 12 dling of such information, in order to facilitate the use
 13 of such information by such personnel for the preparation
 14 for and response to terrorist attack.

15 (b) RESPONSIBILITIES OF OFFICE FOR STATE AND
 16 LOCAL GOVERNMENT COORDINATION OF DEPARTMENT
 17 OF HOMELAND SECURITY.—Section 801 of the Depart-
 18 ment of Homeland Security Act (Public Law 107–296) is
 19 amended—

20 (1) in subsection (b)—

21 (A) in paragraph (3), by striking “and” at
 22 the end;

23 (B) in paragraph (4), by striking the pe-
 24 riod at the end and inserting “; and”; and

25 (C) by adding at the end the following new
 26 paragraph:

1 “(5) in consultation with the chief executive of-
 2 ficer of each State, identify appropriate officials of
 3 such State, and of the political subdivisions of such
 4 State, whose performance of functions within the
 5 government of such State or political subdivision
 6 with respect to the health and safety of the citizens
 7 of such State and political subdivision will require
 8 the access of such officials to classified informa-
 9 tion.”; and

10 (2) by adding at the end the following new sub-
 11 sections:

12 “(c) IDENTIFICATION OF STATE AND LOCAL OFFI-
 13 CIALS.—In identifying State and local officials under sub-
 14 section (b)(5), the Office shall ensure each of the fol-
 15 lowing:

16 “(1) Adequate representation among personnel
 17 identified of personnel of law enforcement, rescue,
 18 fire, health, and other first responder agencies.

19 “(2) Adequate representation among personnel
 20 identified of personnel located in the major popu-
 21 lation center or centers of each State.

22 “(3) Adequate representation among personnel
 23 identified of personnel in each of the major geo-
 24 graphic regions of each State.

1 “(d) STATE DEFINED.—In this section, the term
 2 ‘State’ means the several States and the District of Co-
 3 lumbia.”.

4 (c) RESPONSIBILITIES OF DIRECTOR OF CENTRAL
 5 INTELLIGENCE.—Section 103(a)(1) of the National Secu-
 6 rity Act of 1947 (50 U.S.C. 403–3(a)(1)) is amended—

7 (1) in subparagraph (C), by striking “and” at
 8 the end;

9 (2) in subparagraph (D), by striking the period
 10 at the end and inserting “; and”; and

11 (3) by adding at the end the following new sub-
 12 paragraph:

13 “(E) where appropriate, to officials of State
 14 and local governments who are designated by the
 15 Secretary of Homeland Security from among such
 16 officials identified by the Office for State and Local
 17 Government Coordination of the Department of
 18 Homeland Security under section 801(a)(5) of the
 19 Department of Homeland Security Act (Public Law
 20 107–296).”.

21 (d) RESPONSIBILITIES OF SECRETARY OF HOME-
 22 LAND SECURITY.—(1) Not later than 180 days after the
 23 date of the enactment of this Act, the Secretary of Home-
 24 land Security shall ensure that officials of State and local
 25 governments who are identified by the Office for State and

1 Local Government Coordination of the Department of
2 Homeland Security under section 801(a)(5) of the Depart-
3 ment of Homeland Security Act, as added by subsection
4 (b), and designated by the Secretary for purposes of sec-
5 tion 103(a)(1)(E) of the National Security Act of 1947,
6 as added by subsection (c), have received the security
7 clearances required to permit such officials who qualify for
8 security clearances to have access to national intelligence
9 under section 103(a)(1) of the National Security Act of
10 1947.

11 (2) The Secretary shall ensure that each official who
12 receives a security clearance under paragraph (1) receives
13 appropriate training in the proper receipt and handling
14 of classified information of the Federal Government.

15 (3) Not later than 180 days after the date of the en-
16 actment of this Act, the Secretary shall provide for appro-
17 priate technology and facilities to ensure the prompt, effi-
18 cient, and secure transmittal, receipt, and storage of clas-
19 sified information of the Federal Government by officials
20 of State and local governments who are designated to re-
21 ceive national intelligence under section 103(a)(1)(E) of
22 the National Security Act of 1947, as added by subsection
23 (c).

1 (4) The Secretary shall carry out this subsection in
2 consultation with the Director of Central Intelligence and
3 the Director of the Federal Bureau of Investigation.

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